

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

(to be used for all correspondence after initial filing)	Application Number	09/862,424	
	Filing Date	May 23, 2001	
	First Named Inventor	Victor M. Markowitz.	
	Art Unit	1631	
	Examiner Name	Cheyne D. Ly	
Total Number of Pages in This Submission	15	Attorney Docket Number	4010US (111944-0015)

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Or Individual name	Eleanor M. Musick, Reg. No. 35,623
Signature	
Date	August 25, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Eleanor M. Musick		
Signature		Date	August 25, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

ON P & FEE TRANSMITTAL
for FY 2004
Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$475)**

Complete If Known	
Application Number	09/862,424
Filing Date	May 23, 2001
First Named Inventor	Victor M. Markowitz
Examiner Name	Cheyne D. Ly
Art Unit	1631
Attorney Docket No.	4010US (111944-0015)

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																																						
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account Deposit Account Number 50-2075 Deposit Account Name Procopio, Cory, Hargreaves & Savitch LLP				3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65 Surcharge - late filing fee or oath</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25 Surcharge - late provisional filing fee or cover sheet</td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130 Non-English specification</td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520 For filing a request for ex parte reexamination</td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920* Requesting publication of SIR prior to Examiner action</td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840* Requesting publication of SIR after Examiner action</td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55 Extension for reply within first month</td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210 Extension for reply within second month</td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475 Extension for reply within third month</td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740 Extension for reply within fourth month</td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005 Extension for reply within fifth month</td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165 Notice of Appeal</td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165 Filing a brief in support of an appeal</td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145 Request for oral hearing</td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510 Petition to institute a public use proceeding</td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55 Petition to revive - unavoidable</td> </tr> <tr> <td>1453</td> <td>1,330</td> <td>2453</td> <td>665 Petition to revive - unintentional</td> </tr> <tr> <td>1501</td> <td>1,330</td> <td>2501</td> <td>665 Utility issue fee (or reissue)</td> </tr> <tr> <td>1502</td> <td>480</td> <td>2502</td> <td>240 Design issue fee</td> </tr> <tr> <td>1503</td> <td>640</td> <td>2503</td> <td>320 Plant issue fee</td> </tr> <tr> <td>1460</td> <td>130</td> <td>1460</td> <td>130 Petitions to the Commissioner</td> </tr> <tr> <td>1807</td> <td>50</td> <td>1807</td> <td>50 Processing fee under 37 CFR 1.17(q)</td> </tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180 Submission of Information Disclosure Stmt</td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40 Recording each patent assignment per property (times number of properties)</td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385 Filing a submission after final rejection (37 CFR 1.129(a))</td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385 For each additional invention to be examined (37 CFR 1.129(b))</td> </tr> <tr> <td>1801</td> <td>77</td> <td>281C</td> <td>385 Request for Continued Examination (RCE)</td> </tr> <tr> <td>1802</td> <td>90</td> <td>1802</td> <td>900 Request for expedited examination of a design application</td> </tr> <tr> <td colspan="4">Other fee (Specify) _____</td> </tr> <tr> <td colspan="4">* Reduced by Basic Filing Fee Paid</td> <td colspan="2">SUBTOTAL (3) (\$)</td> <td>475</td> </tr> </tbody> </table>				Large Entity		Small Entity		Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65 Surcharge - late filing fee or oath	1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet	1053	130	1053	130 Non-English specification	1812	2,520	1812	2,520 For filing a request for ex parte reexamination	1804	920*	1804	920* Requesting publication of SIR prior to Examiner action	1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action	1251	110	2251	55 Extension for reply within first month	1252	420	2252	210 Extension for reply within second month	1253	950	2253	475 Extension for reply within third month	1254	1,480	2254	740 Extension for reply within fourth month	1255	2,010	2255	1,005 Extension for reply within fifth month	1401	330	2401	165 Notice of Appeal	1402	330	2402	165 Filing a brief in support of an appeal	1403	290	2403	145 Request for oral hearing	1451	1,510	1451	1,510 Petition to institute a public use proceeding	1452	110	2452	55 Petition to revive - unavoidable	1453	1,330	2453	665 Petition to revive - unintentional	1501	1,330	2501	665 Utility issue fee (or reissue)	1502	480	2502	240 Design issue fee	1503	640	2503	320 Plant issue fee	1460	130	1460	130 Petitions to the Commissioner	1807	50	1807	50 Processing fee under 37 CFR 1.17(q)	1806	180	1806	180 Submission of Information Disclosure Stmt	8021	40	8021	40 Recording each patent assignment per property (times number of properties)	1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))	1801	77	281C	385 Request for Continued Examination (RCE)	1802	90	1802	900 Request for expedited examination of a design application	Other fee (Specify) _____				* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)		475
Large Entity		Small Entity																																																																																																																																								
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																							
1051	130	2051	65 Surcharge - late filing fee or oath																																																																																																																																							
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet																																																																																																																																							
1053	130	1053	130 Non-English specification																																																																																																																																							
1812	2,520	1812	2,520 For filing a request for ex parte reexamination																																																																																																																																							
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action																																																																																																																																							
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action																																																																																																																																							
1251	110	2251	55 Extension for reply within first month																																																																																																																																							
1252	420	2252	210 Extension for reply within second month																																																																																																																																							
1253	950	2253	475 Extension for reply within third month																																																																																																																																							
1254	1,480	2254	740 Extension for reply within fourth month																																																																																																																																							
1255	2,010	2255	1,005 Extension for reply within fifth month																																																																																																																																							
1401	330	2401	165 Notice of Appeal																																																																																																																																							
1402	330	2402	165 Filing a brief in support of an appeal																																																																																																																																							
1403	290	2403	145 Request for oral hearing																																																																																																																																							
1451	1,510	1451	1,510 Petition to institute a public use proceeding																																																																																																																																							
1452	110	2452	55 Petition to revive - unavoidable																																																																																																																																							
1453	1,330	2453	665 Petition to revive - unintentional																																																																																																																																							
1501	1,330	2501	665 Utility issue fee (or reissue)																																																																																																																																							
1502	480	2502	240 Design issue fee																																																																																																																																							
1503	640	2503	320 Plant issue fee																																																																																																																																							
1460	130	1460	130 Petitions to the Commissioner																																																																																																																																							
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)																																																																																																																																							
1806	180	1806	180 Submission of Information Disclosure Stmt																																																																																																																																							
8021	40	8021	40 Recording each patent assignment per property (times number of properties)																																																																																																																																							
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																							
1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))																																																																																																																																							
1801	77	281C	385 Request for Continued Examination (RCE)																																																																																																																																							
1802	90	1802	900 Request for expedited examination of a design application																																																																																																																																							
Other fee (Specify) _____																																																																																																																																										
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)		475																																																																																																																																				
** or number previously paid, if greater. For Reissues, see above																																																																																																																																										

(Complete if applicable)					
Name (Print/Type)	Eleanor M. Musick		Registration No. (Attorney/Agent)	35,623	Telephone 760/931-9700
Signature	<i>Eleanor M. Musick</i>		Date	August 25, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



163 L/IFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of) FOR: System and Method for Managing
Victor M. Markowitz) Gene Expression Data
Serial No.: 09/862,424)
Filed: May 23, 2001) Group Art Unit: 1631

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Cheyne D. Ly
Examiner

Dear Sir:

This is in response to the Office Action dated February 25, 2004. Included herewith is a request for a three month extension of time for response to the Office Action with payment. Please amend the application as follows:

Amendments to the Claims begin on page 2.

Remarks begin on page 9.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

August 25, 2004

(Mailing Date)

Eleanor M. Musick

(Registered Representative)

(Signature)

August 25, 2004

(Date of Signature)